

any route, to other positions within Amtrak in accordance with any contractual agreements;

“(2) the financial assistance results in a net reduction in the total number of employees equal to the number receiving financial incentives;

“(3) the financial assistance results in a net reduction in total employment expense equivalent to the total employment expenses associated with the employees receiving financial incentives; and

“(4) the total number of employees eligible for termination-related payments will not be increased without the express written consent of the Secretary.

“(c) AMOUNT OF FINANCIAL INCENTIVES.—The financial incentives authorized under this section may be no greater than \$100,000 per employee.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There are hereby authorized to be appropriated to the Secretary such sums as may be necessary to make grants to Amtrak to provide financial incentives under subsection (a).

“(e) TERMINATION-RELATED PAYMENTS.—If Amtrak employees adversely affected by the cessation of Amtrak service resulting from the awarding of a grant to an operator other than Amtrak for the operation of a route under section 24711 of title 49, United States Code, or any other route, previously operated by Amtrak do not receive financial incentives under subsection (a), then the Secretary shall make grants to Amtrak from funds authorized by section 101 of this division [122 Stat. 4908] for termination-related payments to employees under existing contractual agreements.”

#### CHAPTER 249—NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

| Sec.     |   |
|----------|---|
| 24901.   | Definitions.  |
| 24902.   | Goals and requirements.   |
| [24903.] | Repealed.]  |
| 24904.   | General authority.  |
| 24905.   | Northeast Corridor Infrastructure and Operations Advisory Commission; Safety Committee. |
| 24906.   | Eliminating highway at-grade crossings.   |
| 24907.   | Note and mortgage.  |
| 24908.   | Transfer taxes and levies and recording charges.  |
| 24909.   | Authorization of appropriations.  |
| 24910.   | Rail cooperative research program.  |

#### AMENDMENTS

2008—Pub. L. 110-432, div. B, title II, §212(b)(1), title III, §306(b), Oct. 16, 2008, 122 Stat. 4924, 4953, amended item 24905 generally, substituting “Northeast Corridor Infrastructure and Operations Advisory Commission; Safety Committee” for “Coordination board and safety committee”, and added item 24910.

1997—Pub. L. 105-134, title IV, §405(a), Dec. 2, 1997, 111 Stat. 2586, struck out item 24903 “Program master plan for Boston-New York main line”.

#### § 24901. Definitions

In this chapter—

(1) “final system plan” means the final system plan (including additions) adopted by the United States Railway Association under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.).

(2) “rail carrier” means an express carrier and a rail carrier as defined in section 10102 of this title, including Amtrak.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 930.)

#### HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|----------------------------|
| 24901(1) .....  | (no source).       |                            |

#### HISTORICAL AND REVISION NOTES—CONTINUED

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|----------------------------|
| 24901(2) .....  | (no source).       |                            |

This section is derived from 45:802 for clarity. That section contains definitions for the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210, 90 Stat. 33). Title VII of that Act is the source of the source provisions restated in this chapter. However, other titles of that Act are not being restated because they are outside the scope of the restatement. Therefore, 45:802 is not being restated in this restatement and only the relevant definitions are accounted for in this chapter.

#### REFERENCES IN TEXT

The Regional Rail Reorganization Act of 1973, referred to in par. (1), is Pub. L. 93-236, Jan. 2, 1974, 87 Stat. 985, as amended, which is classified principally to chapter 16 (§701 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 45 and Tables.

#### § 24902. Goals and requirements

(a) MANAGING COSTS AND REVENUES.—Amtrak shall manage its operating costs, pricing policies, and other factors with the goal of having revenues derived each fiscal year from providing intercity rail passenger transportation over the Northeast Corridor route between the District of Columbia and Boston, Massachusetts, equal at least the operating costs of providing that transportation in that fiscal year.

(b) PRIORITIES IN SELECTING AND SCHEDULING PROJECTS.—When selecting and scheduling specific projects, Amtrak shall apply the following considerations, in the following order of priority:

(1) Safety-related items should be completed before other items because the safety of the passengers and users of the Northeast Corridor is paramount.

(2) Activities that benefit the greatest number of passengers should be completed before activities involving fewer passengers.

(3) Reliability of intercity rail passenger transportation must be emphasized.

(4) Trip-time requirements of this section must be achieved to the extent compatible with the priorities referred to in paragraphs (1)–(3) of this subsection.

(5) Improvements that will pay for the investment by achieving lower operating or maintenance costs should be carried out before other improvements.

(6) Construction operations should be scheduled so that the fewest possible passengers are inconvenienced, transportation is maintained, and the on-time performance of Northeast Corridor commuter rail passenger and rail freight transportation is optimized.

(7) Planning should focus on completing activities that will provide immediate benefits to users of the Northeast Corridor.

(c) COMPATIBILITY WITH FUTURE IMPROVEMENTS AND PRODUCTION OF MAXIMUM LABOR BENEFITS.—Improvements under this section shall be compatible with future improvements in transportation and shall produce the maximum labor benefit from hiring individuals presently unemployed.

(d) AUTOMATIC TRAIN CONTROL SYSTEMS.—A train operating on the Northeast Corridor main line or between the main line and Atlantic City shall be equipped with an automatic train control system designed to slow or stop the train in response to an external signal.

(e) HIGH-SPEED TRANSPORTATION.—If practicable, Amtrak shall establish intercity rail passenger transportation in the Northeast Corridor that carries out section 703(1)(E) of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210, 90 Stat. 121).

(f) EQUIPMENT DEVELOPMENT.—Amtrak shall develop economical and reliable equipment compatible with track, operating, and marketing characteristics of the Northeast Corridor, including the capability to meet reliable trip times under section 703(1)(E) of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210, 90 Stat. 121) in regularly scheduled revenue transportation in the Corridor, when the Northeast Corridor improvement program is completed. Amtrak must decide that equipment complies with this subsection before buying equipment with financial assistance of the Government. Amtrak shall submit a request for an authorization of appropriations for production of the equipment.

(g) AGREEMENTS FOR OFF-CORRIDOR ROUTING OF RAIL FREIGHT TRANSPORTATION.—(1) Amtrak may make an agreement with a rail freight carrier or a regional transportation authority under which the carrier will carry out an alternate off-corridor routing of rail freight transportation over rail lines in the Northeast Corridor between the District of Columbia and New York metropolitan areas, including intermediate points. The agreement shall be for at least 5 years.

(2) Amtrak shall apply to the Interstate Commerce Commission for approval of the agreement and all related agreements accompanying the application as soon as the agreement is made. If the Commission finds that approval is necessary to carry out this chapter, the Commission shall approve the application and related agreements not later than 90 days after receiving the application.

(3) If an agreement is not made under paragraph (1) of this subsection, Amtrak, with the consent of the other parties, may apply to the Interstate Commerce Commission. Not later than 90 days after the application, the Commission shall decide on the terms of an agreement if it decides that doing so is necessary to carry out this chapter. The decision of the Commission is binding on the other parties.

(h) COORDINATION.—(1) The Secretary of Transportation shall coordinate—

(A) transportation programs related to the Northeast Corridor to ensure that the programs are integrated and consistent with the Northeast Corridor improvement program; and

(B) amounts from departments, agencies, and instrumentalities of the Government to achieve urban redevelopment and revitalization in the vicinity of urban rail stations in the Northeast Corridor served by intercity and commuter rail passenger transportation.

(2) If the Secretary finds significant non-compliance with this section, the Secretary may

deny financing to a noncomplying program until the noncompliance is corrected.

(i) COMPLETION.—Amtrak shall give the highest priority to completing the program.

(j) APPLICABLE PROCEDURES.—No State or local building, zoning, subdivision, or similar or related law, nor any other State or local law from which a project would be exempt if undertaken by the Federal Government or an agency thereof within a Federal enclave wherein Federal jurisdiction is exclusive, including without limitation with respect to all such laws referenced herein above requirements for permits, actions, approvals or filings, shall apply in connection with the construction, ownership, use, operation, financing, leasing, conveying, mortgaging or enforcing a mortgage of (i) any improvement undertaken by or for the benefit of Amtrak as part of, or in furtherance of, the Northeast Corridor Improvement Project (including without limitation maintenance, service, inspection or similar facilities acquired, constructed or used for high speed trainsets) or chapter 241, 243, or 247 of this title or (ii) any land (and right, title or interest created with respect thereto) on which such improvement is located and adjoining, surrounding or any related land. These exemptions shall remain in effect and be applicable with respect to such land and improvements for the benefit of any mortgagee before, upon and after coming into possession of such improvements or land, any third party purchasers thereof in foreclosure (or through a deed in lieu of foreclosure), and their respective successors and assigns, in each case to the extent the land or improvements are used, or held for use, for railroad purposes or purposes accessory thereto. This subsection shall not apply to any improvement or related land unless Amtrak receives a Federal operating subsidy in the fiscal year in which Amtrak commits to or initiates such improvement.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 930; Pub. L. 104-205, title III, §334, Sept. 30, 1996, 110 Stat. 2974; Pub. L. 105-134, title IV, §405(b)(1), Dec. 2, 1997, 111 Stat. 2586.)

#### HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i>    | <i>Source (Statutes at Large)</i>   |
|------------------------|------------------------------|---|
| 24902(a) .....         | 45:853(1)(A).                | Feb. 5, 1976, Pub. L. 94-210, §703(1)(A), 90 Stat. 121; Oct. 5, 1978, Pub. L. 95-421, §8(1), 92 Stat. 927; May 30, 1980, Pub. L. 96-254, §202(1), (2), 94 Stat. 410; Jan. 14, 1983, Pub. L. 97-468, §301(1), 96 Stat. 2547. |
|                        | 45:853(1)(B) (1st sentence). | Feb. 5, 1976, Pub. L. 94-210, §703(1)(B), 90 Stat. 121; Oct. 5, 1978, Pub. L. 95-421, §8(2), 92 Stat. 927.  |
|                        | 45:853(2)(A).                | Feb. 5, 1976, Pub. L. 94-210, §703(2)(A), 90 Stat. 122; Oct. 5, 1978, Pub. L. 95-421, §5(1), 92 Stat. 926.  |
|                        | 45:853(2)(B).                | Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §703(2)(B); added Oct. 5, 1978, Pub. L. 95-421, §5(2), 92 Stat. 927.   |
|                        | 45:853(3)(A).                | Feb. 5, 1976, Pub. L. 94-210, §703(3)(A), 90 Stat. 122; May 30, 1980, Pub. L. 96-254, §203(1), 94 Stat. 410.  |
|                        | 45:853(4) (1st sentence).    | Feb. 5, 1976, Pub. L. 94-210, §703(1)(C), (4), 90 Stat. 121, 122.   |

## HISTORICAL AND REVISION NOTES—CONTINUED

| <i>Revised Section</i> | <i>Source (U.S. Code)</i>     | <i>Source (Statutes at Large)</i>   |
|------------------------|-------------------------------|---|
|                        | 45:853(6).                    | Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §703(6); added May 30, 1980, Pub. L. 96-254, §203(2), 94 Stat. 411.  |
|                        | 45:855(b).                    | Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §705(b); added May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 413; Jan. 14, 1983, Pub. L. 97-468, §301(5)(B), 96 Stat. 2550.          |
| 24902(b) .....         | 45:851(d)(1).                 | Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §701(d)(1); added May 30, 1980, Pub. L. 96-254, §205, 94 Stat. 412.  |
| 24902(c)(1) ..         | 45:853(1)(B) (last sentence). |   |
|                        | 45:855(b).                    |   |
| 24902(c)(2), (3).      | 45:854(i).                    | Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §704(i); added May 30, 1980, Pub. L. 96-254, §204(b), 94 Stat. 411.  |
|                        | 45:855(b).                    |   |
| 24902(d) .....         | 45:853(4) (last sentence).    |   |
| 24902(e) .....         | 45:853(7).                    | Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §703(7); added May 30, 1980, Pub. L. 96-254, §209, 94 Stat. 414.   |
| 24902(f) .....         | 45:853(1)(C).                 |   |
| 24902(g) .....         | 45:431(k).                    | Oct. 16, 1970, Pub. L. 91-458, 84 Stat. 971, §202(k); added June 22, 1988, Pub. L. 100-342, §9, 102 Stat. 628.  |
| 24902(h) .....         | 45:853(1)(E).                 | Feb. 5, 1976, Pub. L. 94-210, §703(1)(E), 90 Stat. 121; May 30, 1980, Pub. L. 96-254, §202(3), 94 Stat. 410.  |
|                        | 45:855(b).                    |   |
| 24902(i) .....         | 45:853(5).                    | Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §703(5); added Oct. 5, 1978, Pub. L. 95-421, §8(3), 92 Stat. 927.  |
|                        | 45:855(b).                    |   |
| 24902(j) .....         | 45:853(3)(B).                 | Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §703(3)(B); added May 30, 1980, Pub. L. 96-254, §203(1), 94 Stat. 410.   |
|                        | 45:855(b).                    |   |
| 24902(k) .....         | 45:854(c)(1).                 | Feb. 5, 1976, Pub. L. 94-210, §704(c)(1), 90 Stat. 123; May 30, 1980, Pub. L. 96-254, §210(1), 94 Stat. 414.  |
|                        | 45:854(c)(2).                 | Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §704(c)(2); added May 30, 1980, Pub. L. 96-254, §210(2), 94 Stat. 414.   |
| 24902(l) .....         | 45:545(h) (last sentence).    | Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §305(h) (last sentence); added Oct. 28, 1974, Pub. L. 93-496, §3, 88 Stat. 1527; Sept. 29, 1979, Pub. L. 96-73, §106, 93 Stat. 539. |
|                        | 45:855(b).                    |   |

In this section, the word “program” is substituted for “project” for consistency in this chapter.

In subsection (a)(1)(A) and (B), the words “schedule” and “appropriate” are omitted as surplus.

In subsection (a)(2), the words “in order” and “rail” are omitted as surplus.

In subsection (a)(4)–(6), the words “the goals contained in” are omitted as surplus.

In subsection (a)(4), the text of 45:853(2)(B) is omitted as executed.

In subsection (a)(5), the words “to all users of rail freight service located” are omitted as surplus. The word “in” is substituted for “on” as being more appropriate. The words “all . . . which remain” are omitted as surplus.

In subsection (a)(6), the word “mobile” is added for consistency in this chapter. The word “on” is substituted for “aboard trains operated in” to eliminate unnecessary words. The word “passenger” after “rail” is added for consistency in this chapter. The word “Washington” is omitted as surplus.

In subsection (b), the words “each fiscal year” are substituted for “annual” for clarity. The text of 45:851(d)(1)(A) and (B) is omitted as obsolete.

In subsection (c)(1), the words “in his sole discretion” are omitted as surplus.

In subsection (c)(2)(B), the words “and in the amounts” are omitted as surplus.

In subsection (d), the words “department, agencies, and instrumentalities of the United States Government” are substituted for “relevant Federal agencies, including the Federal Communications Commission” for consistency in the revised title and with other titles of the United States Code. The words “shall assist Amtrak under subsection (a)(6) of this section” are substituted for “shall take such actions as are necessary to achieve this goal” for clarity. The words “including necessary licensing, construction, operation, and maintenance” are omitted as surplus.

In subsection (e), before clause (1), the words “of priority” are added for clarity. In clause (2), the words “Potential ridership should be considered” are omitted as surplus. In clause (5), the words “Reducing maintenance cost levels is desirable” are omitted as surplus. The words “before other improvements” are added for clarity.

In subsection (f), the words “accomplished in a manner which is”, “the accomplishment in the . . . of additional”, and “levels” are omitted as surplus.

In subsection (g), the words “after April 1, 1990” are omitted as executed. The words “betwen [sic] Washington, D.C., and Boston, Massachusetts” are omitted as surplus. The words “or between the main line and Atlantic City” are substituted for “on the feeder line referred to in section 854(a)(1)(B) of this title” for clarity. The text of 45:431(k)(2) is omitted as executed.

In subsection (h), the text of 45:853(1)(E) (1st–4th sentences) and the word “Thereafter” are omitted as executed. The words “carries out” are substituted for “achieves the service goals specified in” for consistency in this section.

In subsection (i), the words “rolling stock and related”, “designed to be”, “set forth”, and “specified” are omitted as surplus. The text of 45:853(5) (last sentence words after “such equipment”) is omitted as obsolete.

In subsection (j)(1), the words “Within 6 months after May 30, 1980, the Secretary shall develop plans” and the text of 45:853(3)(B)(v) are omitted as executed. The words “rail lines” are substituted for “lines” for clarity and consistency in this chapter. The words “Washington” and “on such terms and conditions as the parties may agree” are omitted as surplus.

In subsection (j)(2), the words “including the provision of service use of tracks and facilities as provided in such application” are omitted as surplus.

In subsection (j)(3), the words “other parties” are substituted for “involved rail freight carriers” to eliminate unnecessary words. The words “conditions and” are omitted as surplus.

In subsection (k)(1), before clause (A), the words “take all steps necessary to” are omitted as surplus. In clause (A), the words “all”, “implementation of”, and “under this subchapter” are omitted as surplus. Clause (B) is substituted for 45:854(c)(2) to eliminate surplus and obsolete words.

## REFERENCES IN TEXT

Section 703(1)(E) of the Railroad Revitalization and Regulatory Reform Act of 1976, referred to in subsecs. (e) and (f), is section 703(1)(E) of Pub. L. 94-210, which was classified to section 853(1)(E) of Title 45, Railroads, and was repealed and reenacted as subsec. (h) of this section by Pub. L. 103-272, §§1(e), 7(b), July 5, 1994, 108 Stat. 932, 1379.

## AMENDMENTS

1997—Pub. L. 105-134 redesignated subsec. (b) as (a) and subsecs. (e) to (m) as (b) to (j), respectively, in subsec. (j) struck out “(m)” after “This subsection”, and struck out former subsecs. (a), (c), and (d) which related to Northeast Corridor improvement plan, cost sharing for nonoperational facilities, and passenger radio mobile telephone service, respectively.

1996—Subsec. (m). Pub. L. 104-205 added subsec. (m).

**ABOLITION OF INTERSTATE COMMERCE COMMISSION AND  
TRANSFER OF FUNCTIONS**

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104-88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of this title, and section 101 of Pub. L. 104-88, set out as a note under section 701 of this title. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104-88, set out as a note under section 701 of this title.

**NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN**

Pub. L. 110-432, div. B, title II, §211, Oct. 16, 2008, 122 Stat. 4920, provided that:

“(a) **IN GENERAL.**—Within 6 months after the date of enactment of this Act [Oct. 16, 2008], Amtrak, in consultation with the Secretary [of Transportation] and the States (including the District of Columbia) that make up the Northeast Corridor (as defined in section 24102 of title 49, United States Code), shall prepare a capital spending plan for capital projects required to return the railroad right-of-way (including track, signals, and auxiliary structures), facilities, stations, and equipment, of the Northeast Corridor main line to a state-of-good-repair by the end of fiscal year 2018, consistent with the funding levels authorized in this division [see Short Title of 2008 Amendment note set out under section 20101 of this title], and shall submit the plan to the Secretary.

“(b) **REVIEW AND APPROVAL BY THE SECRETARY.**—

“(1) **60-DAY APPROVAL PROCESS.**—The Secretary shall complete the review of the capital spending plan and approve or disapprove the plan within 60 days after the date on which Amtrak submits the plan. During review, the Secretary may seek comments from the Commission established under section 24905 of title 49, United States Code, and other Northeast Corridor users regarding the plan. If the Secretary disapproves the plan or determines that the plan is incomplete or deficient, the Secretary shall include the reason for disapproval or the incomplete items or deficiencies in a notice to Amtrak.

“(2) **15-DAY MODIFICATION PERIOD.**—Within 15 days after receiving notification from the Secretary under paragraph (1), Amtrak shall submit a modified plan for the Secretary’s review.

“(3) **REVISED REQUESTS.**—Within 15 days after receiving a modified plan from Amtrak, the Secretary shall either approve the modified plan, or, if the Secretary finds that the plan is still incomplete or deficient, the Secretary shall identify in writing to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the remaining deficiencies and recommend a process for resolving the outstanding portions of the plan.

“(c) **PLAN UPDATES.**—The plan shall be updated at least annually and the Secretary shall review and approve such updates, in accordance with the procedures described in subsection (b).

“(d) **GRANTS.**—The Secretary shall make grants to Amtrak with funds authorized by section 101(c) [122 Stat. 4908] for Northeast Corridor capital investments contained within the capital spending plan prepared by Amtrak and approved by the Secretary.

“(e) **OVERSIGHT.**—Using the funds authorized by section 101(d) [122 Stat. 4908], the Secretary shall review Amtrak’s capital expenditures funded by this section to ensure that such expenditures are consistent with the capital spending plan and that Amtrak is providing adequate project management oversight and fiscal controls.

“(f) **ELIGIBILITY OF EXPENDITURES.**—The Federal share of expenditures for capital improvements under this section may not exceed 100 percent.”

**[§ 24903. Repealed. Pub. L. 105-134, title IV,  
§ 405(a), Dec. 2, 1997, 111 Stat. 2586]**

Section, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 933; Pub. L. 104-287, §5(48), Oct. 11, 1996, 110 Stat. 3393, related to program master plan for Boston-New York main line.

**§ 24904. General authority**

(a) **GENERAL.**—To carry out this chapter and the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), Amtrak may—

(1) acquire, maintain, and dispose of any interest in property used to provide improved high-speed rail transportation under section 24902 of this title;

(2) acquire, by condemnation or otherwise, any interest in real property that Amtrak considers necessary to carry out the goals of section 24902;

(3) provide for rail freight, intercity rail passenger, and commuter rail passenger transportation over property acquired under this section;

(4) improve rail rights of way between Boston, Massachusetts, and the District of Columbia (including the route through Springfield, Massachusetts, and routes to Harrisburg, Pennsylvania, and Albany, New York, from the Northeast Corridor main line) to achieve the goals of section 24902 of providing improved high-speed rail passenger transportation between Boston, Massachusetts, and the District of Columbia, and intermediate intercity markets;

(5) acquire, build, improve, and install passenger stations, communications and electric power facilities and equipment, public and private highway and pedestrian crossings, and other facilities and equipment necessary to provide improved high-speed rail passenger transportation over rights of way improved under clause (4) of this subsection;

(6) make agreements with other carriers and commuter authorities to grant, acquire, or make arrangements for rail freight or commuter rail passenger transportation over, rights of way and facilities acquired under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) and the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.); and

(7) appoint a general manager of the Northeast Corridor improvement program.

(b) **COMPENSATORY AGREEMENTS.**—Rail freight and commuter rail passenger transportation provided under subsection (a)(3) of this section shall be provided under compensatory agreements with the responsible carriers.

(c) **COMPENSATION FOR TRANSPORTATION OVER CERTAIN RIGHTS OF WAY AND FACILITIES.**—(1) An agreement under subsection (a)(6) of this section shall provide for reasonable reimbursement of costs but may not cross-subsidize intercity rail passenger, commuter rail passenger, and rail freight transportation.

(2) If the parties do not agree, the Interstate Commerce Commission shall order that the transportation continue over facilities acquired under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.) and the Railroad Revi-

talization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.) and shall determine compensation (without allowing cross-subsidization between commuter rail passenger and intercity rail passenger and rail freight transportation) for the transportation not later than 120 days after the dispute is submitted. The Commission shall assign to a rail carrier obtaining transportation under this subsection the costs Amtrak incurs only for the benefit of the carrier, plus a proportionate share of all other costs of providing transportation under this paragraph incurred for the common benefit of Amtrak and the carrier. The proportionate share shall be based on relative measures of volume of car operations, tonnage, or other factors that reasonably reflect the relative use of rail property covered by this subsection.

(3) This subsection does not prevent the parties from making an agreement under subsection (a)(6) of this section after the Commission makes a decision under this subsection.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 934; Pub. L. 103-429, §6(22), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 105-134, title IV, §405(b)(2), Dec. 2, 1997, 111 Stat. 2586; Pub. L. 110-432, div. B, title II, §212(b)(2), Oct. 16, 2008, 122 Stat. 4924.)

HISTORICAL AND REVISION NOTES  
PUB. L. 103-272

| <i>Revised Section</i>       | <i>Source (U.S. Code)</i>                  | <i>Source (Statutes at Large)</i>   |
|------------------------------|--|---|
| 24904(a) (words before (1)). | 45:851(a) (words before (1)).              | Feb. 5, 1976, Pub. L. 94-210, §701(a)(1), (3)-(8), 90 Stat. 119.  |
| 24904(a)(1) ..               | 45:851(a)(1).<br>45:855(b).                | Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §705(b); added May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 413; Jan. 14, 1983, Pub. L. 97-468, §301(5)(B), 96 Stat. 2550.  |
| 24904(a)(2) ..               | 45:854(h).                                 | Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §704(h); added May 30, 1980, Pub. L. 96-254, §204(b), 94 Stat. 411.  |
| 24904(a)(3) ..               | 45:855(b).<br>45:851(a)(3) (less proviso). |   |
| 24904(a)(4) ..               | 45:851(a)(4).                              |   |
| 24904(a)(5) ..               | 45:851(a)(5).                              |   |
| 24904(a)(6) ..               | 45:562(a)(2) (1st sentence).               | Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §402(a)(2); added Feb. 5, 1976, Pub. L. 94-210, §706(a), 90 Stat. 123; May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 412; Apr. 7, 1986, Pub. L. 99-272, §4017(b)(2)-(5), 100 Stat. 111. |
|                              | 45:851(a)(6) (words before 8th comma).     |   |
| 24904(a)(7) ..               | 45:851(a)(7).                              |   |
| 24904(a)(8) ..               | 45:851(a)(8).                              |   |
| 24904(b) .....               | 45:851(a)(3) (proviso).                    |   |
| 24904(c)(1) ..               | 45:851(a)(6) (words after 8th comma).      |   |
| 24904(c)(2) ..               | 45:562(a)(2) (2d-5th sentences).           |   |
| 24904(c)(3) ..               | 45:562(a)(2) (last sentence).              |   |

In subsection (a), before clause (1), the words “the purposes of” are omitted as surplus. The words “this part” are substituted for “this subchapter, the Rail Passenger Service Act [45 U.S.C. 501 et seq.]” for clarity because subchapter III of chapter 17 of title 45, United States Code, and the Rail Passenger Service Act make up part C of subtitle V of the revised title. In clause (1), the words “by purchase, lease, exchange, gift, or otherwise, and to hold . . . sell, lease, or otherwise”, “real or personal”, and “which is necessary or” are omitted as

surplus. The words “to provide” are substituted for “establishing and maintaining” for consistency in this chapter. In clause (2), the words “for the United States, by lease, purchase, condemnation, or otherwise” and “(including lands, easements, and rights-of-way, and any other property interests, including contract rights) are omitted as surplus. In clause (3), the words “the continuous operation and maintenance of” are omitted as surplus. In clause (4), the words “Washington” and “at its option” are omitted as surplus. In clause (5), the words “other safety facilities or equipment . . . any” and “which it determines are” are omitted as surplus. In clause (6), the words “Notwithstanding any other provision of this chapter”, “tracks, rights-of-way and other”, and “by the Corporation” in 45:562(a)(2) (1st sentence) and “other railroads” and “trackage rights, contract services, and other appropriate” in 45:851(a)(6) are omitted as surplus. In clause (7), the words “qualified individual to serve as the” are omitted as surplus. In clause (8), the words “on a basis which is consistent with, and” are omitted as surplus.

In subsection (c)(1), the words “shall provide for” are substituted for “to be on such terms and conditions as are necessary to” to eliminate unnecessary words. The word “reasonable” is substituted for “on an equitable and fair basis” for consistency in the revised title.

In subsection (c)(2), the words “If the parties do not” are substituted for “In the event of a failure to” for clarity. The words “to be provided”, “consistent with equitable and fair compensation principles”, “proper amount of”, “the provision of”, and “the date of” are omitted as surplus.

In subsection (c)(3), the words “either before or” are omitted as surplus because the National Railroad Passenger Corporation may make agreements on arrangements for rail freight or commuter rail transportation under subsection (a)(6) of this section and this subsection applies only when there is no agreement.

PUB. L. 103-429

This amends 49:24904(a)(2) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 934).

REFERENCES IN TEXT

The Regional Rail Reorganization Act of 1973, referred to in subsecs. (a) and (c)(2), is Pub. L. 93-236, Jan. 2, 1974, 87 Stat. 985, as amended, which is classified principally to chapter 16 (§701 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 45 and Tables.

The Railroad Revitalization and Regulatory Reform Act of 1976, referred to in subsecs. (a)(6) and (c)(2), is Pub. L. 94-210, Feb. 5, 1976, 90 Stat. 31, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 45 and Tables.

AMENDMENTS

2008—Subsec. (c)(2). Pub. L. 110-432 inserted “commuter rail passenger and” after “between” in first sentence and struck out “freight” after “rail” in second sentence.

1997—Subsec. (a)(6) to (8). Pub. L. 105-134 inserted “and” at end of par. (6), substituted a period for “; and” at end of par. (7), and struck out par. (8) which read as follows: “make agreements with telecommunications common carriers, subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.), to continue existing, and establish new and improved, passenger radio mobile telephone service in the high-speed rail passenger transportation area specified in section 24902(a)(1) and (2).”

1994—Subsec. (a)(2). Pub. L. 103-429 inserted “, by condemnation or otherwise,” after “acquire”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND  
TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104-88, to Surface Transportation Board effective Jan. 1, 1996, by section 702 of this title, and section 101 of Pub. L. 104-88, set out as a note under section 701 of this title. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104-88, set out as a note under section 701 of this title.

**§ 24905. Northeast Corridor Infrastructure and Operations Advisory Commission; Safety Committee**

(a) NORTHEAST CORRIDOR INFRASTRUCTURE AND OPERATIONS ADVISORY COMMISSION.—

(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Secretary of Transportation shall establish a Northeast Corridor Infrastructure and Operations Advisory Commission (referred to in this section as the “Commission”) to promote mutual cooperation and planning pertaining to the rail operations and related activities of the Northeast Corridor. The Commission shall be made up of—

- (A) members representing Amtrak;
- (B) members representing the Department of Transportation, including the Federal Railroad Administration;
- (C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and
- (D) non-voting representatives of freight railroad carriers using the Northeast Corridor selected by the Secretary.

(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under paragraph (1) shall not constitute a majority of the Commission’s memberships.

(3) The Commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the Commission shall develop rules and procedures to govern the Commission’s proceedings.

(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

(6) The Chairman of the Commission shall be elected by the members.

(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(8) Upon request of the Commission, the head of any department or agency of the United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(10) The Commission shall consult with other entities as appropriate.

(b) STATEMENT OF GOALS AND RECOMMENDATIONS.—

(1) STATEMENT OF GOALS.—The Commission shall develop a statement of goals concerning the future of Northeast Corridor rail infrastructure and operations based on achieving expanded and improved intercity, commuter, and freight rail services operating with greater safety and reliability, reduced travel times, increased frequencies and enhanced intermodal connections designed to address airport and highway congestion, reduce transportation energy consumption, improve air quality, and increase economic development of the Northeast Corridor region.

(2) RECOMMENDATIONS.—The Commission shall develop recommendations based on the statement developed under this section addressing, as appropriate—

- (A) short-term and long-term capital investment needs beyond those specified in the state-of-good-repair plan under section 211 of the Passenger Rail Investment and Improvement Act of 2008;
- (B) future funding requirements for capital improvements and maintenance;
- (C) operational improvements of intercity passenger rail, commuter rail, and freight rail services;
- (D) opportunities for additional non-rail uses of the Northeast Corridor;
- (E) scheduling and dispatching;
- (F) safety and security enhancements;
- (G) equipment design;
- (H) marketing of rail services;
- (I) future capacity requirements; and
- (J) potential funding and financing mechanisms for projects of corridor-wide significance.

(c) ACCESS COSTS.—

(1) DEVELOPMENT OF FORMULA.—Within 2 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Commission shall—

(A) develop a standardized formula for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation, as defined in section 24102 of this title, on the Northeast Corridor main line between Boston, Massachusetts, and Washington, District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, that use Amtrak facilities or services or that provide such facilities or services to Amtrak that ensures that—

- (i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation;
- (ii) each service is assigned the costs incurred only for the benefit of that service,

and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service; and

(iii) all financial contributions made by an operator of a service that benefit an infrastructure owner other than the operator are considered, including but not limited to, any capital infrastructure investments and in-kind services;

(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

(C) transmit the proposed timetable to the Surface Transportation Board; and

(D) at the request of a Commission member, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section.

(2) IMPLEMENTATION.—Amtrak and public authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the formula proposed in paragraph (1) in accordance with the timetable established therein. If the entities fail to implement such new agreements in accordance with the timetable, the Commission shall petition the Surface Transportation Board to determine the appropriate compensation amounts for such services in accordance with section 24904(c) of this title. The Surface Transportation Board shall enforce its determination on the party or parties involved.

(3) REVISIONS.—The Commission may make necessary revisions to the formula developed under paragraph (1), including revisions based on Amtrak's financial accounting system developed pursuant to section 203 of the Passenger Rail Investment and Improvement Act of 2008.

(d) TRANSMISSION OF STATEMENT OF GOALS AND RECOMMENDATIONS.—The Commission shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives—

(1) the statement of goals developed under subsection (b) within 1 year after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008; and

(2) the recommendations developed under subsection (b) and the formula and timetable developed under subsection (c)(1) annually.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Commission such sums as may be necessary for the period encompassing fiscal years 2009 through 2013 to carry out this section.

(f) NORTHEAST CORRIDOR SAFETY COMMITTEE.—

(1) IN GENERAL.—The Secretary shall establish a Northeast Corridor Safety Committee composed of members appointed by the Secretary. The members shall be representatives of—

(A) the Department of Transportation, including the Federal Railroad Administration;

(B) Amtrak;

(C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;

(D) commuter rail agencies;

(E) rail passengers;

(F) rail labor; and

(G) other individuals and organizations the Secretary decides have a significant interest in rail safety or security.

(2) FUNCTION; MEETINGS.—The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet at least two times per year to consider safety and security matters on the main line.

(3) REPORT.—At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety and security recommendations of the Committee and the comments of the Secretary on those recommendations.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 935; Pub. L. 110-432, div. B, title II, §212(a), Oct. 16, 2008, 122 Stat. 4921.)

#### HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i> | <i>Source (Statutes at Large)</i>  |
|------------------------|---------------------------|--|
| 24905(a)(1) ..         | 45:585(c).                | Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, § 505(c); added Jan. 14, 1983, Pub. L. 97-468, § 508(2), 96 Stat. 2554.  |
| 24905(a)(2) ..         | 45:585(a).                | Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, § 505(a), (b); added Aug. 13, 1981, Pub. L. 97-35, § 1137, 95 Stat. 650; Jan. 14, 1983, Pub. L. 97-468, § 508(1), 96 Stat. 2554. |
| 24905(a)(3) ..         | 45:585(b).                |  |
| 24905(b) .....         | 45:431 (note).            | June 22, 1988, Pub. L. 100-342, § 11, 102 Stat. 629; Sept. 3, 1992, Pub. L. 102-365, § 18, 106 Stat. 982.  |

In subsection (a)(2), before clause (A), the words “develop and” are omitted as surplus. In clause (B)(v), the word “rates” is substituted for “fares, tariffs” for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(3), the words “of opinions” and “(among or between the Corporation, Amtrak Commuter, other railroads, commuter authorities, and other State, local, and regional agencies responsible for the provision of commuter rail, rapid rail, or rail freight service), with respect to all matters” are omitted as surplus. The words “for facilities and transportation matters under” are substituted for “those conferred on the Commission in” for clarity.

In subsection (b)(1), the words “Within 30 days after the date of enactment of this Act . . . shall establish” are omitted as executed.

In subsection (b)(3), the words “each Congress” are substituted for “the 103rd Congress, and biennially thereafter” to eliminate unnecessary words. The words “pursuant to the provisions of this section” are omitted as unnecessary.

#### REFERENCES IN TEXT

The date of enactment of the Passenger Rail Investment and Improvement Act of 2008, referred to in sub-

secs. (a)(1), (c)(1), and (d)(1), is the date of enactment of div. B of Pub. L. 110-432, which was approved Oct. 16, 2008.

Sections 203 and 211 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsecs. (b)(2)(A) and (c)(3), are set out as notes under sections 24101 and 24902, respectively, of this title.

#### AMENDMENTS

2008—Pub. L. 110-432 amended section generally. Prior to amendment, section related to Northeast Corridor Coordination Board and Northeast Corridor Safety Committee.

### § 24906. Eliminating highway at-grade crossings

(a) **PLAN.**—In consultation with the States on the main line of the Northeast Corridor, the Secretary of Transportation shall develop a plan not later than September 30, 1993, to eliminate all highway at-grade crossings of the main line by not later than December 31, 1997. The plan may provide that eliminating a crossing is not required if—

- (1) impracticable or unnecessary; and
- (2) using the crossing is consistent with conditions the Secretary considers appropriate to ensure safety.

(b) **AMTRAK'S SHARE OF COSTS.**—Amtrak shall pay 20 percent of the cost of eliminating each highway at-grade crossing under the plan.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 936.)

#### HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)  |
|-----------------|--------------------|---|
| 24906(a) .....  | 45:650(a), (b).    | Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §811; added Oct. 27, 1992, Pub. L. 102-533, §2, 106 Stat. 3515. |
| 24906(b) .....  | 45:650(c).         |   |

### § 24907. Note and mortgage

(a) **GENERAL AUTHORITY.**—To secure amounts expended by the United States Government to acquire and improve rail property designated under section 206(c)(1)(C) and (D) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 716(c)(1)(C) and (D)), the Secretary of Transportation may obtain a note of indebtedness from, and make a mortgage agreement with, Amtrak to establish a mortgage lien on the property for the Government. The note and mortgage may not supersede section 24904 of this title.

(b) **EXEMPTIONS FROM LAWS AND REGULATIONS.**—The note and agreement under subsection (a) of this section, and a transaction related to the note or agreement, are exempt from any United States, State, or local law or regulation that regulates securities or the issuance of securities. The note, agreement, or transaction under this section has the same immunities from other laws that section 601 of the Act (45 U.S.C. 791) gives to transactions that comply with or carry out the final system plan. The transfer of rail property because of the note, agreement, or transaction has the same exemptions, privileges, and immunities that the Act (45 U.S.C. 701 et seq.) gives to a transfer ordered or approved by the special court under section 303(b) of the Act (45 U.S.C. 743(b)).

(c) **IMMUNITY FROM LIABILITY AND INDEMNIFICATION.**—Amtrak, its board of directors, and its in-

dividual directors are not liable because Amtrak has given or issued the note or agreement to the Government under subsection (a) of this section. Immunity granted under this subsection also applies to a transaction related to the note or agreement. The Government shall indemnify Amtrak, its board, and individual directors against costs and expenses actually and reasonably incurred in defending a civil action testing the validity of the note, agreement, or transaction.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 936.)

#### HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large)   |
|-----------------|--------------------|--|
| 24907(a) .....  | 45:854(e).         | Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §704(e)-(g); added Oct. 19, 1976, Pub. L. 94-555, §217(c), 90 Stat. 2627. |
| 24907(b) .....  | 45:854(f).         |  |
| 24907(c) .....  | 45:854(g).         |  |

In subsection (a), the words “In order . . . protect and”, “securing such expenditure”, “infringe upon or”, and “the authority conferred upon the National Railroad Passenger Corporation by” are omitted as surplus.

In subsections (b) and (c), the words “note” and “agreement” are substituted for “agreement, security, or obligation” for consistency because the Secretary of Transportation gets only notes and mortgage agreements under the source provisions restated in subsection (a) of this section.

In subsection (b), the words “obtained by the Secretary” and “the provisions of subtitle IV of title 49, the Securities Act of 1933 (15 U.S.C. 77a et seq.), and . . . other” are omitted as surplus. The words “has the same” are substituted for “shall enjoy all of the” for clarity. The words “conveyance or” are omitted, and the word “transfer” is substituted for “conveyances”, for consistency in this subtitle. The words “(including section 303(e) thereof [45 U.S.C. 743(e)])” are omitted as surplus. The words “section 303(b)” are substituted for “section 306(b)” to correct a mistake in section 217(c) of the Rail Transportation Improvement Act (Public Law 94-555, 90 Stat. 2628).

In subsection (c), the words “to any party for any damages, or in any other matter” are omitted as surplus. The word “because” is substituted for “by reason of the fact that” to eliminate unnecessary words. The words “related to the note or agreement” are substituted for “in connection with” for clarity. The words “all” and “(including fees of accountants, experts, and attorneys)” are omitted as surplus. The words “a civil action” are substituted for “any litigation” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “legal” and “given, issued, or entered into” are omitted as surplus.

#### REFERENCES IN TEXT

The Regional Rail Reorganization Act of 1973, referred to in subsecs. (a) and (b), is Pub. L. 93-236, Jan. 2, 1974, 87 Stat. 985, as amended, which is classified principally to chapter 16 (§701 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 45 and Tables.

#### ABOLITION OF SPECIAL COURT, REGIONAL RAIL REORGANIZATION ACT OF 1973, AND TRANSFER OF FUNCTIONS

Special court abolished and all jurisdiction and functions transferred to United States District Court for District of Columbia, see section 719(b)(2) of Title 45, Railroads.



### § 24908. Transfer taxes and levies and recording charges

A transfer of an interest in rail property under this chapter is exempt from a tax or levy related to the transfer that is imposed by the United States Government, a State, or a political subdivision of a State. On payment of the appropriate and generally applicable charge for the service performed, a transferee or transferor may record an instrument and, consistent with the final system plan, the release or removal of a pre-existing lien or encumbrance of record related to the interest transferred.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 937.)

#### HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i>   | <i>Source (Statutes at Large)</i>   |
|------------------------|---|---|
| 24908 .....            | 45:743(e) (words "title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 [45 U.S.C. 851 et seq.] or of"). | Jan. 2, 1974, Pub. L. 93-236, 87 Stat. 985, §303(e) (words "title VII of the Railroad Revitalization and Regulatory Reform Act of 1976 or of"); added Feb. 5, 1976, Pub. L. 94-210, §601(d), 90 Stat. 84; Sept. 30, 1976, Pub. L. 94-436, §5 (related to title VII), 90 Stat. 1399. |

The words "or conveyances", "(whether real, personal, or mixed)", "which are made at any time", "the purposes of", "imposts", "or on the recording of deeds, bills of sale, liens, encumbrances, or other instruments evidencing, effectuating, or incident to any such transfers or conveyances, whether imposed on the transferor or on the transferee", "now or hereafter", "to compensate . . . the cost of", "such deeds, bills of sale, liens, encumbrances, or other", and "the designations and applicable principles in" are omitted as surplus.

### § 24909. Authorization of appropriations

(a) GENERAL.—(1) Not more than \$2,313,000,000 may be appropriated to the Secretary of Transportation to achieve the goals of section 24902(a)(1)<sup>1</sup> of this title. From this amount, the following amounts shall be expended by Amtrak:

(A) at least \$27,000,000 for equipment modification and replacement that a State or a local or regional transportation authority must bear because of the electrification conversion system of the Northeast Corridor under this chapter.

(B) \$30,000,000—

(i) to improve the main line track between the Northeast Corridor main line and Atlantic City, New Jersey, to ensure that the track, consistent with a plan New Jersey developed in consultation with Amtrak to provide rail passenger transportation between the Northeast Corridor main line and Atlantic City, New Jersey, would be of sufficient quality to allow safe rail passenger transportation at a minimum of 79 miles an hour not later than September 30, 1985; and

(ii) to promote rail passenger use of the track.

(C) necessary amounts to—

(i) develop Union Station in the District of Columbia;

(ii) install 189 track-miles, and renew 133 track-miles, of concrete ties with continu-

ously welded rail between the District of Columbia and New York, New York;

(iii) install reverse signaling between Philadelphia, Pennsylvania, and Morrisville, Pennsylvania, on numbers 2 and 3 track;

(iv) restore ditch drainage in concrete tie locations between the District of Columbia and New York, New York;

(v) undercut 83 track-miles between the District of Columbia and New York, New York;

(vi) rehabilitate bridges between the District of Columbia and New York, New York (including Hi line);

(vii) develop a maintenance of way equipment repair facility between the District of Columbia and New York, New York, and build maintenance of way bases at Philadelphia, Pennsylvania, Sunnyside, New York, and Cedar Hill, Connecticut;

(viii) stabilize the roadbed between the District of Columbia and New York, New York;

(ix) automate the Bush River Drawbridge at milepost 72.14;

(x) improve the New York Service Facility to develop rolling stock repair capability;

(xi) install a rail car washer facility at Philadelphia, Pennsylvania;

(xii) restore storage tracks and buildings at the Washington Service Facility;

(xiii) install centralized traffic control from Landlith, Delaware, to Philadelphia, Pennsylvania;

(xiv) improve track, including high speed surfacing, ballast cleaning, and associated equipment repair and material distribution;

(xv) rehabilitate interlockings between the District of Columbia and New York, New York;

(xvi) paint the Connecticut River, Groton, and Pelham Bay bridges;

(xvii) provide additional catenary renewal and power supply upgrading between the District of Columbia and New York, New York;

(xviii) rehabilitate structural, electrical, and mechanical systems at the 30th Street Station in Philadelphia, Pennsylvania;

(xix) install evacuation and fire protection facilities in tunnels in New York, New York;

(xx) improve the communication and signal systems between Wilmington, Delaware, and Boston, Massachusetts, on the Northeast Corridor main line, and between Philadelphia, Pennsylvania, and Harrisburg, Pennsylvania, on the Harrisburg Line;

(xxi) improve the electric traction systems between Wilmington, Delaware, and Newark, New Jersey;

(xxii) install baggage rack restraints, seat back guards, and seat lock devices on 348 passenger cars operating in the Northeast Corridor;

(xxiii) install 44 event recorders and 10 electronic warning devices on locomotives operating within the Northeast Corridor; and

(xxiv) acquire cab signal test boxes and install 9 wayside loop code transmitters for use within the Northeast Corridor.

<sup>1</sup> See References in Text note below.

(2) The following additional amounts may be appropriated to the Secretary for expenditure by Amtrak:

(A) not more than \$150,000,000 to achieve the goal of section 24902(a)(3)<sup>1</sup> of this title.

(B) not more than \$120,000,000 to acquire interests in property in the Northeast Corridor.

(C) not more than \$650,000 to develop and use mobile radio frequencies for passenger radio mobile telephone service on high-speed rail passenger transportation.

(D) not more than \$20,000,000 to acquire and improve interests in rail property designated under section 206(c)(1)(D) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 716(c)(1)(D)).

(E) not more than \$37,000,000 to carry out section 24902(a)(7) and (j)<sup>1</sup> of this title.

(b) EMERGENCY MAINTENANCE.—Not more than \$25,000,000 of the amount appropriated under the Act of February 28, 1975 (Public Law 94–6, 89 Stat. 11), may be used by Amtrak for emergency maintenance on rail property designated under section 206(c)(1)(C) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 716(c)(1)(C)).

(c) PRIORITY IN USING CERTAIN AMOUNTS.—Amounts appropriated under subsection (a)(2)(B) and (D) of this section shall be used first to repay, with interest, obligations guaranteed under section 602 of the Rail Passenger Service Act, if the proceeds of those obligations were used to pay the expenses of acquiring interests in property referred to in subsection (a)(2)(B) and (D).

(d) PROHIBITION ON SUBSIDIZING COMMUTER AND FREIGHT OPERATING LOSSES.—Amounts appropriated under this section may not be used to subsidize operating losses of commuter rail or rail freight transportation.

(e) SUBSTITUTING AND DEFERRING CERTAIN IMPROVEMENTS.—(1) A project for which amounts are authorized under subsection (a)(1)(C) of this section is a part of the Northeast Corridor improvement program and is not a substitute for improvements specified in the document “Corridor Master Plan II, NECIP Restructured Program” of January, 1982. However, Amtrak may defer the project to carry out the improvement and rehabilitation for which amounts are authorized under subsection (a)(1)(B) of this section. The total cost of the project that Amtrak defers may not be substantially more than the amount Amtrak is required to expend or reserve under subsection (a)(1)(B).

(2) Section 24902 of this title is deemed not to be fulfilled until the projects under subsection (a)(1)(C) of this section are completed.

(f) AVAILABILITY OF AMOUNTS.—Amounts appropriated under subsection (a)(1) and (2)(A) and (C)–(E) of this section remain available until expended.

(g) AUTHORIZATIONS INCREASED BY PRIOR YEAR DEFICIENCIES.—An amount greater than that authorized for a fiscal year may be appropriated to the extent that the amount appropriated for any prior fiscal year is less than the amount authorized for that year.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 937.)

## HISTORICAL AND REVISION NOTES

| <i>Revised Section</i> | <i>Source (U.S. Code)</i>   | <i>Source (Statutes at Large)</i>   |
|------------------------|---|---|
| 24909(a)(1) ..         | 45:854(a) (1st sentence).   | Feb. 5, 1976, Pub. L. 94–210, 90 Stat. 31, §704(a) (1st sentence); added Aug. 13, 1981, Pub. L. 97–35, §1193(1), 95 Stat. 701.  |
|                        | 45:854(a) (2d sentence cl. (1) (less availability)).  | Feb. 5, 1976, Pub. L. 94–210, §704(a) (2d sentence), 90 Stat. 122; Oct. 19, 1976, Pub. L. 94–555, §217(a), (b), 90 Stat. 2627; Oct. 5, 1978, Pub. L. 95–421, §9, 92 Stat. 928; May 30, 1980, Pub. L. 96–254, §204(a), 94 Stat. 411; Jan. 14, 1983, Pub. L. 97–468, §301(2), 96 Stat. 2548; June 22, 1988, Pub. L. 100–342, §6, 102 Stat. 627. |
|                        | 45:855(b).  | Feb. 5, 1976, Pub. L. 94–210, 90 Stat. 31, §705(b); added May 30, 1980, Pub. L. 96–254, §206(a), 94 Stat. 413; Jan. 14, 1983, Pub. L. 97–468, §301(5)(B), 96 Stat. 2550.  |
| 24909(a) (2)(A).       | 45:854(a) (2d sentence cl. (2) (less availability)).  |   |
| 24909(a) (2)(B)–(E).   | 45:855(b).  |   |
|                        | 45:854(a) (2d sentence cls. (3)(A)–(D) (1st sentence), (4) (as 2d sentence cls. (3)(A)–(D) (1st sentence), (4) relate to other than availability)). |   |
| 24909(b) .....         | 45:855(b).  | Feb. 5, 1976, Pub. L. 94–210, §704(d), 90 Stat. 123.  |
| 24909(c) .....         | 45:854(a) (2d sentence cl. (3)(D) (last sentence)).   |   |
| 24909(d) .....         | 45:854(b)(1) (related to 854).  | Feb. 5, 1976, Pub. L. 94–210, §704(b)(1) (related to §704), 90 Stat. 123; Jan. 14, 1983, Pub. L. 97–468, §301(4)(A), 96 Stat. 2549.   |
| 24909(e) .....         | 45:854(b)(2).   | Feb. 5, 1976, Pub. L. 94–210, 90 Stat. 31, §704(b)(2); added Jan. 14, 1983, Pub. L. 97–468, §301(4)(B), 96 Stat. 2549.  |
| 24909(f) .....         | 45:855(b).  |   |
|                        | 45:854(a) (2d sentence cls. (1)–(3)(D) (1st sentence), (4) (as 2d sentence cls. (1)–(3)(D) (1st sentence), (4) relate to availability)).            |   |
| 24909(g) .....         | 45:854(a) (3d sentence).  | Feb. 5, 1976, Pub. L. 94–210, 90 Stat. 31, §704(a) (3d sentence); added Aug. 13, 1981, Pub. L. 97–35, §1193(2), 95 Stat. 702.   |
|                        | 45:854(a) (4th–last sentences).   | Feb. 5, 1976, Pub. L. 94–210, 90 Stat. 31, §704(a) (4th–last sentences); added Jan. 14, 1983, Pub. L. 97–468, §301(3), 96 Stat. 2549.   |

In subsections (a) and (f), the text of 45:854(a) (2d sentence cl. (3)(A)) is omitted as executed.

In subsection (a)(1), before clause (A), the text of 45:854(a) (1st sentence) is omitted as surplus because of section 24902(a) of the revised title. In clause (B)(i), the words “if the National Railroad Passenger Corporation receives notification on or before June 1, 1983, from . . . that such State has approved” and “and if such Corporation determines that such plan is feasible” are omitted as executed. The words “rehabilitation and other . . . (including upgrading track and the signal system, ensuring safety at public and private highway and pedestrian crossings by improving signals or eliminating such crossings, and the improvement of operational portions of stations related to intercity rail passenger service)” are omitted as surplus. In clause (C), before subclause (i), the words “with respect to the main line of the Northeast Corridor” are omitted as surplus. In subclauses (i), (ii), (iv)–(viii), (xv), and (xvii),

the word “Washington” is omitted as surplus. In subclause (xx), the words “at locations” are omitted as surplus.

In subsection (a)(2)(C), the words “passenger radio mobile telephone service on high-speed rail passenger transportation” are substituted for “high-speed rail passenger rail telephone service” for consistency in this chapter.

In subsection (a)(2)(D), the word “rail” is added for consistency in the revised title.

In subsection (b), the words “After the conveyance of rail properties, pursuant to section 303(b) of the Regional Rail Reorganization Act of 1973 (45 U.S.C. 743(b)) and section 851(b) of this title” are omitted as executed. The words “remain available to” and “the purpose of performing” are omitted as surplus.

In subsection (c), the words “that portion of . . . issued by the National Railroad Passenger Corporation and” are omitted as surplus.

In subsection (e)(1), the words “to be appropriated”, “undertaken or viewed as”, “entitled”, and “prepared for the United States Department of Transportation, Federal Railroad Administration, Northeast Corridor Improvement Project, in cooperation with the Federal Railroad Administration and the National Railroad Passenger Corporation (Amtrak), by Deleuw, Cather/Parsons, NECIP architect/engineer” are omitted as surplus. The words “for which amounts are authorized under” are substituted for “described in” for clarity. The words “for expenditure” are omitted as surplus.

In subsection (g), the text of 45:854(a) (3d, 5th, and last sentences) is omitted as executed. The words “An amount greater than that authorized for a fiscal year” are substituted for “Funds . . . in excess of limitations imposed under the preceding sentence with respect to a fiscal year, or for fiscal years after the fiscal year ending September 30, 1983” to eliminate unnecessary and obsolete words. The words “under this section” are omitted as surplus. The words “amount authorized” are substituted for “limitation under such sentence” for consistency.

#### REFERENCES IN TEXT

Section 24902 of this title, referred to in subsecs. (a)(1), (2)(A), (E), was amended by Pub. L. 105-134, title IV, § 405(b)(1), Dec. 2, 1997, 111 Stat. 2586, and, as so amended, subsec. (a) of that section was repealed and subsecs. (b), (j), and (m) were redesignated (a), (g), and (j), respectively.

Act of February 28, 1975 (Public Law 94-6, 89 Stat. 11), referred to in subsec. (b), provided appropriations for interim operating assistance for Federal Railroad Administration of Department of Transportation in chapter II which is not classified to the Code.

Section 602 of the Rail Passenger Service Act, referred to in subsec. (c), was classified to section 602 of Title 45, Railroads, prior to repeal by Pub. L. 102-533, § 7(c), Oct. 27, 1992, 106 Stat. 3519.

### § 24910. Rail cooperative research program

(a) IN GENERAL.—The Secretary shall establish and carry out a rail cooperative research program. The program shall—

(1) address, among other matters, intercity rail passenger and freight rail services, including existing rail passenger and freight technologies and speeds, incrementally enhanced rail systems and infrastructure, and new high-speed wheel-on-rail systems;

(2) address ways to expand the transportation of international trade traffic by rail, enhance the efficiency of intermodal interchange at ports and other intermodal terminals, and increase capacity and availability of rail service for seasonal freight needs;

(3) consider research on the interconnectedness of commuter rail, passenger rail, freight rail, and other rail networks; and

(4) give consideration to regional concerns regarding rail passenger and freight transportation, including meeting research needs common to designated high-speed corridors, long-distance rail services, and regional intercity rail corridors, projects, and entities.

(b) CONTENT.—The program to be carried out under this section shall include research designed—

(1) to identify the unique aspects and attributes of rail passenger and freight service;

(2) to develop more accurate models for evaluating the impact of rail passenger and freight service, including the effects on highway and airport and airway congestion, environmental quality, and energy consumption;

(3) to develop a better understanding of modal choice as it affects rail passenger and freight transportation, including development of better models to predict utilization;

(4) to recommend priorities for technology demonstration and development;

(5) to meet additional priorities as determined by the advisory board established under subsection (c), including any recommendations made by the National Research Council;

(6) to explore improvements in management, financing, and institutional structures;

(7) to address rail capacity constraints that affect passenger and freight rail service through a wide variety of options, ranging from operating improvements to dedicated new infrastructure, taking into account the impact of such options on operations;

(8) to improve maintenance, operations, customer service, or other aspects of intercity rail passenger and freight service;

(9) to recommend objective methodologies for determining intercity passenger rail routes and services, including the establishment of new routes, the elimination of existing routes, and the contraction or expansion of services or frequencies over such routes;

(10) to review the impact of equipment and operational safety standards on the further development of high-speed passenger rail operations connected to or integrated with non-high-speed freight or passenger rail operations;

(11) to recommend any legislative or regulatory changes necessary to foster further development and implementation of high-speed passenger rail operations while ensuring the safety of such operations that are connected to or integrated with non-high-speed freight or passenger rail operations;

(12) to review rail crossing safety improvements, including improvements using new safety technology; and

(13) to review and develop technology designed to reduce train horn noise and its effect on communities, including broadband horn technology.

(c) ADVISORY BOARD.—

(1) ESTABLISHMENT.—In consultation with the heads of appropriate Federal departments and agencies, the Secretary shall establish an advisory board to recommend research, technology, and technology transfer activities related to rail passenger and freight transportation.

(2) **MEMBERSHIP.**—The advisory board shall include—

(A) representatives of State transportation agencies;

(B) transportation and environmental economists, scientists, and engineers; and

(C) representatives of Amtrak, the Alaska Railroad, freight railroads, transit operating agencies, intercity rail passenger agencies, railway labor organizations, and environmental organizations.

(d) **NATIONAL ACADEMY OF SCIENCES.**—The Secretary may make grants to, and enter into cooperative agreements with, the National Academy of Sciences to carry out such activities relating to the research, technology, and technology transfer activities described in subsection (b) as the Secretary deems appropriate.

(e) **AUTHORIZATION OF APPROPRIATIONS.**—There are authorized to be appropriated to the Secretary of Transportation \$5,000,000 for each of fiscal years 2010 through 2013 for carrying out this section.

(Added Pub. L. 110-432, div. B, title III, §306(a), Oct. 16, 2008, 122 Stat. 4952.)

## PART D—HIGH-SPEED RAIL

### PRIOR PROVISIONS

A prior part D, consisting of chapter 261, was redesignated part E of this subtitle by Pub. L. 103-440, title I, §103(a)(1), Nov. 2, 1994, 108 Stat. 4616.

## CHAPTER 261—HIGH-SPEED RAIL ASSISTANCE

Sec.

|        |  |
|--------|--|
| 26101. | High-speed rail corridor planning.       |
| 26102. | High-speed rail technology improvements. |
| 26103. | Safety regulations.                      |
| 26104. | Authorization of appropriations.         |
| 26105. | Definitions.                             |
| 26106. | High-speed rail corridor development.    |

### PRIOR PROVISIONS

A prior chapter 261, consisting of sections 26101 and 26102, was renumbered chapter 281 of this title by Pub. L. 103-440, title I, §103(a)(1), Nov. 2, 1994, 108 Stat. 4616.

### AMENDMENTS

2008—Pub. L. 110-432, div. B, title V, §501(c), (e), Oct. 16, 2008, 122 Stat. 4960, 4963, substituted “High-speed rail corridor planning” for “Corridor development” in item 26101 and added item 26106.

2005—Pub. L. 109-59, title IX, §9001(a)(2), Aug. 10, 2005, 119 Stat. 1919, substituted “development” for “planning” in item 26101.

### § 26101. High-speed rail corridor planning

(a) **CORRIDOR PLANNING ASSISTANCE.**—(1) The Secretary may provide under this section financial assistance to a public agency or group of public agencies for corridor planning for up to 50 percent of the publicly financed costs associated with eligible activities.

(2) No less than 20 percent of the publicly financed costs associated with eligible activities shall come from State and local sources, which State and local sources may not include funds from any Federal program.

(b) **ELIGIBLE ACTIVITIES.**—(1) A corridor planning activity is eligible for financial assistance under subsection (a) if the Secretary determines

that it is necessary to establish appropriate engineering, operational, financial, environmental, or socioeconomic projections for the establishment of high-speed rail service in the corridor and that it leads toward development of a prudent financial and institutional plan for implementation of specific high-speed rail improvements, or if it is an activity described in subparagraph (M). Eligible corridor planning activities include—

(A) environmental assessments;

(B) feasibility studies emphasizing commercial technology improvements or applications;

(C) economic analyses, including ridership, revenue, and operating expense forecasting;

(D) assessing the impact on rail employment of developing high-speed rail corridors;

(E) assessing community economic impacts;

(F) coordination with State and metropolitan area transportation planning and corridor planning with other States;

(G) operational planning;

(H) route selection analyses and purchase of rights-of-way for proposed high-speed rail service;

(I) preliminary engineering and design;

(J) identification of specific improvements to a corridor, including electrification, line straightening and other right-of-way improvements, bridge rehabilitation and replacement, use of advanced locomotives and rolling stock, ticketing, coordination with other modes of transportation, parking and other means of passenger access, track, signal, station, and other capital work, and use of intermodal terminals;

(K) preparation of financing plans and prospectuses;

(L) creation of public/private partnerships; and

(M) the acquisition of locomotives, rolling stock, track, and signal equipment.

(2) No financial assistance shall be provided under this section for corridor planning with respect to the main line of the Northeast Corridor, between Washington, District of Columbia, and Boston, Massachusetts.

(c) **CRITERIA FOR DETERMINING FINANCIAL ASSISTANCE.**—Selection by the Secretary of recipients of financial assistance under this section shall be based on such criteria as the Secretary considers appropriate, including—

(1) the relationship of the corridor to the Secretary’s national high-speed ground transportation policy;

(2) the extent to which the proposed planning focuses on systems which will achieve sustained speeds of 125 mph or greater;

(3) the integration of the corridor into metropolitan area and statewide transportation planning;

(4) the potential interconnection of the corridor with other parts of the Nation’s transportation system, including the interconnection with other countries;

(5) the anticipated effect of the corridor on the congestion of other modes of transportation;

(6) whether the work to be funded will aid the efforts of State and local governments to comply with the Clean Air Act (42 U.S.C. 7401 et seq.);